ENVIRONMENTAL ASSESSMENT

FOR

WHITTAKER CREEK FISH TRAP OPERATION
ENVIRONMENTAL ASSESSMENT NO. OR090-EA-04-20

September 2004

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANGEMENT
EUGENE DISTRICT OFFICE

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1.0 BACKGROUND AND EXISTING CONDITIONS

The Whittaker Creek fish trap is located in Lane County on Whittaker Creek, south of Highway 126, in the Whittaker Creek Recreation Site. It is situated between Mapleton and Eugene, just off the Siuslaw River Road, about 12 miles east of Mapleton and 33 miles west of Eugene. The legal descriptions are Township 18S, Range 8W, section 21. Whittaker Creek is a fourth order stream located in the Upper Siuslaw River fifth field watershed and Upper Siuslaw/Whittaker Creek sixth field watershed. The land use allocation for the BLM administered lands surrounding the fish trap include: Riparian Reserve, Late Successional Reserve, and General Forest Management Area. The fish trap was first installed in 1989 by the Oregon Department of Fish and Wildlife (ODFW) and operated for a research project investigating winter steelhead management options in Whittaker Creek. Fish trap operations were transferred from the Northwest Regional Office of ODFW to the ODFW district office in 1994 for brood stock collection and monitoring purposes.

Whittaker Creek fish trap is located within the Whittaker Creek Recreation Site, operated by the BLM, Siuslaw Resource Area. The recreation site is open to the public for camping from May 15 to November 15. The campground provides 31 camp sites, picnic and swimming area, children's play area, vault toilets, horseshoe pits, and the 2.5 mile Old Growth Ridge National Recreation Trail. The site is popular for a variety of recreational activities that include: camping, hiking, swimming (June-September), fishing, and nature study. During the winter months, the recreation site access gate is locked. The recreation site is open for day use however, and is a popular destination for school groups gaining practical knowledge in environmental education as part of the ODFW and BLM sponsored Salmon Watch program where children observe salmon spawning in Whittaker Creek. The 2.5 mile Old Growth Ridge National Recreation Trail is also utilized by the public year-round for hiking and environmental education programs.

1.1 Whittaker Creek Fish Trap Operations

The Whittaker Creek Fish Trap consists of a trap box set on the north side of the stream with a finger weir placed across the stream attached to the trap box. The fish trap consists of steel and plywood parts assembled together. When the fish trap is operational, water spills over the finger weir and does not allow anadromous fish to pass upstream, but directs fish to swim into the trap box. ODFW personnel monitor the fish trap and net the anadromous fish caught in the trap. Wild fish are released upstream, and hatchery winter steelhead released downstream into the lower Siuslaw River for sport fishing. Both hatchery and wild winter steelhead adults are collected in differing proportions and included in brood stock collections for the hatchery program (HGMP 2003).

The fish trap is operational at the time of year when winter steelhead migration occurs, typically from late December to late April. ODFW personnel usually remove the fish trap box and finger weir in mid-May, after the spawning season, when the recreation site is closed to camping. After the removal of the fish trap, BLM park rangers install a temporary wood structure dam, usually before the Memorial Day weekend, to impound water to create a seasonal swimming hole at Whittaker Creek. This provides a swimming area for campers and other visitors to the recreation site from June to September. In past years, ODFW personnel have removed the finger weir, but sometimes left the trap box in place for a short time when the recreation site and swimming area are open to the public. The trap box creates safety concerns for BLM personnel and poses a safety hazard to swimmers – especially young children who are curious and attracted to the structure. Usually, ODFW personnel remove the trap box and weir components and store them

at the BLM Walton Shop just off State Highway 126. Prior to storage at the Walton shop, the trap components have occasionally been stored adjacent to Whittaker Creek in the recreation site. Leaving fish trap components in the recreation site has created a potential safety hazard for campground users, as well as increased potential for vandalism of fish trap components.

2.0 PURPOSE AND NEED

The purpose of the Whittaker Creek fish trap is to: 1) Capture adult wild and hatchery winter steelhead for hatchery brood stock programs, which usually provide approximately 100,000 winter steelhead smolts annually, enhancing sport fishing opportunities for the Siuslaw Basin; 2) Remove returning adult hatchery raised steelhead so they do not spawn in natural production areas where wild fish spawn, above the fish trap in Whittaker Creek and its tributaries; 3) Monitor wild steelhead populations; and 4) Provide educational and volunteer opportunities to school groups and organizations, such as the Florence Salmon Trout Enhancement Program (STEP).

It is necessary to establish operations and maintenance procedures for the Whittaker fish trap to ensure interagency cooperation between ODFW and BLM. Further, the fish trap is located in a high-use recreation site, and operational procedures must be established to ensure public health and safety of visitors.

3.0 ISSUES

Issue 1: *Fish trap operations may create public safety concerns due to recreational activities at Whittaker Creek Recreation Site.*

Public safety is a concern during high-use season (June-September) at the swimming area, especially for small children who may be attracted to the fish trap structure. The top component of the trap box consists of plywood boards, which can be removed or possibly break, which may result in visitors falling into the trap box and sustaining injuries.

Issue 2: *ODFW and BLM are concerned about expenses and interagency coordination regarding fish trap installation and removal, including maintenance, equipment and personnel.*

The installation and removal of the fish trap usually involves four ODFW personnel and coordination of volunteers from the Florence STEP program. Fish trap operations usually require two ODFW personnel when fish are captured and released downstream, but the trap can be checked by one ODFW staff person. Installation and removal expenses of the fish trap and coordination of volunteers by ODFW may delay the removal of the trap box.

Issue 3: *BLM rangers and other law enforcement personnel expend patrol time to curtail poaching and minimize vandalism to the fish trap.*

BLM law enforcement rangers patrol the Whittaker Creek Recreation Site at least weekly when the fish trap is operational. The Oregon State Police (OSP) patrols the site an average of two to three times per week during the summer and may spend up to twenty hours per week during winter when the fish trap is being utilized by ODFW. Illegal fish poaching has been well documented, especially during the 2003-2004 operation of the fish trap. This resulted in increased surveillance by both BLM rangers and OSP law enforcement personnel. In fact, special surveillance operations were conducted during the winter of 2004, and the fish trap was closely monitored for a two to four week period, in addition to regular scheduled patrols.

Issue 4: *Storage of fish trap components may create public safety concerns during the non-operational period (May-September).*

When the fish trap is not being utilized by ODFW, the finger weir and trap box are disassembled and removed from Whittaker Creek and stored at the BLM Walton shop. On rare occasions, trap components have been stored adjacent to Whittaker Creek near the swimming area. The storage of fish trap components near the swimming area has created a potential public safety hazard for swimmers and other visitors in the recreation site.

4.0 ALTERNATIVES

Alternative 1: No action - continue current operations without a formal agreement on dates or operational procedures for the fish trap. This alternative would include no pre-arranged date(s) for the removal or installation of the fish trap. There could be continued debate between BLM and ODFW regarding when the fish trap should be removed and installed, and where fish trap components should be stored.

Alternative 2: Discontinue fish trap operations - Phase out the hatchery program over the next five years (no future release of winter steelhead smolts). Steelhead is an anadromous rainbow trout; smolts usually spend about two to four years in freshwater before they migrate to sea during spring. Coastal steelhead can spend up to four years in seawater before they return to spawn in their native streams during winter. Since return times from the same generation can vary from two to four years, a decision to stop fish trap operations would need to consider late returning migrants, and therefore, trap returning hatchery steelhead at least five years after the decision to shut down the fish trap.

Alternative 3: New trap design - Leave the trap box in-place year-round with a new trap box design. The finger weirs would still be removed when the fish trap is non-operational. This alternative would give ODFW the flexibility of being able to leave part of the fish trap in place and not have to schedule the installation and removal of the fish trap box seasonally. New trap design features would include new safety features and a tamper resistant trap box.

Alternative 4: (Proposed alternative). Memorandum of Understanding (MOU) - Continue fish trap operations with formal agreements between BLM and ODFW that would provide guidelines for the timing of installation and removal of fish trap and seasonal storage of fish trap components. Under this alternative, current fish trapping operations would continue to be managed by ODFW; a formal MOU would be developed to provide guidelines for the safe and timely installation and removal of the fish trap. Trap components would be stored at a mutually agreed upon secure storage site during periods of non-operation.

4.1 ALTERNATIVES CONSIDERED BUT NOT ANALYZED

Locations other than Whittaker Creek for installation of the fish trap were considered but not analyzed, since none of them were found to be suitable for fish trap operations. Esmond creek can have flashy winter flows. Wolf and Wildcat Creeks have high velocity winter flows and are too large for fish trap operations. In addition, ODFW would have to relocate their hatchery brood stock program to another creek and watershed. Remote locations other than Whittaker Creek would have higher instances of vandalism. Whittaker Creek Recreation Site is frequently patrolled by both ODFW and BLM personnel and has a locked gate which is closed to motorized vehicles from November to May, making this a convenient location for fish trap operations.

5.0 EFFECTS ANALYSIS

The following resources are either not present or would not be adversely affected by the proposed action or any of the alternatives: Areas of Critical Environmental Concern, regional or local air quality, prime or unique farmlands, cultural resources, floodplains, wetlands, riparian zones, noxious weeds or invasive non-natives, low income or minority populations, Native American religious concerns, hazardous or solid waste, wild and scenic rivers or wilderness and water quality.

Issue 1: *Fish trap operations may create public safety concerns due to recreational activities at Whittaker Creek Recreation Site.*

Alternative 1: *No Action* – With no formal agreement between ODFW and BLM, operational procedures of the Whittaker Creek Fish Trap would continue to be subject to changes.

The safe use of Whittaker Creek Recreation Site, especially by swimmers, could be jeopardized if the trap box is not removed before the campground opens. The top of the trap box is constructed of plywood boards, making it an attractive nuisance to swimmers and other visitors who could get hurt by falling into the metal structure of the trap box (see

Appendix A). Public safety concerns are highest with this alternative compared to the other alternatives.

Alternative 2: *Discontinue trap operations* – A decision to stop the hatchery program, accompanied by a phase out of fish trap operations, makes this alternative the safest. After 5 years, public safety could no longer be affected by the fish trap or its operation.

Alternative 3: *New fish trap design* – Safety features would be essential for a new trap design. The trap box would remain in-place year-round at Whittaker Creek and allow for the annual installation of the temporary wooden dam. The plywood cover could also be redesigned to provide additional safety features to the fish trap making this alternative nearly as safe as Alternative 2.

Alternative 4: *Memorandum of Understanding (MOU)* – A formal agreement would provide guidelines that would make fish trap operations nearly as safe as Alternative 2, because the fish trap would be installed and removed prior to the recreation site opening for camping, or during low visitation periods.

Issue 2. *ODFW and BLM are concerned about expenses and interagency coordination regarding fish trap installation and removal, including maintenance, equipment and personnel.*

Alternative 1: *No Action* – Annual operational expenditures and annual coordination needs would remain at current levels since no formal agreement would exist. This alternative would be more expensive than Alternative 2, since current operations would continue, and would be less expensive than Alternative 3 because that alternative includes a new fish trap design.

Alternative 2: *Discontinue trap operations* – For this alternative, there would be no expenses after five years. This alternative would have an adverse effect on sport fishing for hatchery fish in the Siuslaw River, which would, in turn, significantly decrease revenue to ODFW currently gained from sport fishing licenses.

Alternative 3: *New fish trap design* – Initial costs for the new fish trap design would be high for this alternative, but subsequent operational costs would be less expensive than Alternatives 1 and 4. Only fish trap weir components, not the trap box, would require installation and removal annually, requiring fewer ODFW personnel or volunteers. However the initial costs of design and construction would make this alternative more expensive than Alternatives 1 and 4.

Alternative 4: *Memorandum of Understanding (MOU)* – A formal agreement would not change operational expenses; same as Alternative 1. However, the time spent on interagency coordination should decrease due to the existence of a standard operating agreement.

Issue 3. *BLM rangers and other law enforcement personnel expend patrol time to curtail poaching and minimize vandalism to the fish trap.*

Alternative 1: *No Action* – Patrol time expended by law enforcement personnel would be high for this alternative, since normal trap operations require close coordination between BLM and Oregon State Police (OSP), especially during the winter months when illegal poaching is likely to occur.

Alternative 2: *Discontinue trap operations* – Patrols by law enforcement personnel for the Whittaker Creek Fish Trap would not be required after five years with the phase out of trap operations.

Alternative 3: *New fish trap design* – Patrols by law enforcement personnel would be less frequent for this alternative, since new design features would incorporate a vandal resistant trap box.

Alternative 4: *Memorandum of Understanding (MOU)* – Same as Alternative 1.

Issue 4. *Storage of fish trap components may create safety concerns during the non-operational period (May-September).*

Alternative 1: *No Action* – During non-operation, the fish trap is usually stored at the BLM Walton shop but occasionally it has been left near the bank of Whittaker Creek, accessible to campers and other visitors at the recreation site. If the fish trap is not stored and secured safely, unwary campers may step on the fish trap components, or curious children may play with trap components, thus increasing public safety concerns. Public safety concerns are high with this alternative.

Alternative 2: *Discontinue trap operations* – The fish trap would operate for five years, during which time fish trap components would need to be safely stored during the non-operational period. Public safety concerns would be high for five years. After five years, safety issues associated with the fish trap would disappear.

Alternative 3: *New fish trap design* – Storage would be required for the trap weir components, but not for the fish trap box. Public safety concerns would be lower for this alternative since only fish trap weir components would need to be stored in the non-operational period.

Alternative 4: *Memorandum of Understanding (MOU)* – During non-operation, the fish trap would be stored in a secure location mutually agreed to by BLM and ODFW, thereby reducing the risk to public safety. With a MOU in-place there would be guidelines that would be followed for the installation, removal and storage of the fish trap. Public safety concerns would be lowest with this alternative.

5.1 Summary table for Effects Analysis

Alternatives / **Issues**	**Alternative 1** No Action	**Alternative 2** Discontinue trap operations	**Alternative 3** New trap design	**Alternative 4** Memorandum of Understanding (MOU)
Trap Operations, Recreation and Public Safety	High safety concerns.	Safety concerns gone after 5 years.	Low safety concerns.	Low safety concerns.
Expenses and Revenues and Interagency Coordination Time	Remain at current levels.	After 5 years operational expenses disappear but so do revenues. Coordination time zero after 5 years	High initial costs. Lower coordination needs.	Expenses and revenues remain at current levels. Coordination time diminished.
Law Enforcement	High vigilance.	Vigilance high for 5 years, zero later	Low vigilance	High vigilance.
Trap Storage and Public Safety	High risk to public safety.	High risk for 5 years, then zero.	Moderate risk to public safety.	Low risk to public safety.

6.0 CONFORMANCE

The proposed action and alternatives are in conformance with the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl, April 1994 (ROD)*, and the *Eugene District Record of Decision and Resource Management Plan, June 1995 (Eugene District ROD/RMP)* as amended by the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, USDA Forest Service and USDI Bureau of Land Management January 2001), the Record of Decision to Remove or Modify the Survey and Manage Mitigation Measures Standards and Guidelines (March 2004) (Survey and Manage ROD), and the Record of Decision to Clarify Provisions Relating to the Aquatic Conservation Strategy (March 2004).* This environmental assessment is tiered to the analysis contained in these EIS's. The analyses contained

in these EISs are incorporated by reference. The above referenced documents are available for review at the Eugene District Office or on the internet at http://www.or.blm.gov/nwfp.htm.

7.0 CONSULTATION AND COORDINATION

Coastal coho (*Oncorhynchus kisutch*) salmon are found in this system and are currently under proposed status for listing under the endangered species act. The species has been listed as threatened in the recent past. The proposed actions are consistent with the description and terms and conditions under the Section 7 Endangered Species Act and the Magnuson-Stevens Act for Essential Fish Habitat for which ODFW has authorization from National Oceanic and Atmospheric Administration Fisheries. State permit number OR2003-848. This permit is renewed annually by ODFW. All pertinent permits for the Whittaker fish trap operation have been obtained by ODFW.

No cultural resources have been identified to date in the actual project locations. All required cultural resource reviews have been completed. The Whittaker Creek fish trap project is located within the Oregon Coast Range physiographic province and the terms of Protocol D as defined in the National Programmatic Agreement in Oregon (USDI, 1998) apply.

8.0 LIST OF CONTRIBUTORS

8.1 BLM

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Gary Hoppe – Team Lead
Leo Poole – Fisheries support
Mark Conley – Recreation
Graham Armstrong – Hydrologist
Kipp Wagner – Safety
Adam Sully – Law Enforcement

8.2 ODFW

John Spangler – Fisheries Biologist
Robert Buckman – Fisheries Biologist

9.0 REFERENCES

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Siuslaw River Basin Fish Management Plan. November 1997. Oregon Department of Fish and Wildlife.

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USDI, Bureau of Land Management. June 1995. *Eugene District Record of Decision and Resource Management Plan*. Eugene District Office, Eugene, Oregon.

Appendix A: Whittaker Creek Fish Trap

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE
Preliminary Finding of No Significant Impact
for
Whittaker Creek Fish Trap Operation
OR O90-EA-04-20

Determination:

On the basis of the information contained in the Environmental Assessment, and all other information available to me, it is my determination that implementation of the proposed action or alternatives will not have significant environmental impacts beyond those already addressed in the Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (April 1994), and the Eugene District Record of Decision and Resource Management Plan (June 1995) as amended, with which this EA is in conformance, and does not, in and of itself, constitute a major federal action having a significant effect on the human environment. Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

Steven Calish
Field Manager, Siuslaw Resource Area

Date